

September 5, 2002

**MEMORANDUM**

**To:** Mr. Dalton B. Floyd, Jr., Chairman, and Members, Commission on Higher Education

**From:** Ms. Dianne Chinnes, Chairman, Committee on Academic Affairs and Licensing

**Consideration of Annual Report on Compliance with the English Fluency Act in Higher Education, FY 2001-2002**

**Background**

In 1991 the General Assembly passed the English Fluency in Higher Education Act. This Act required each public higher education institution to submit an annual report to the Commission, based upon a compliance plan that each institution had been required to develop. Under the law, the Commission was given the responsibility of developing and implementing policies and procedures consistent with the General Assembly's intent to ensure that faculty members at the public institutions in the State can communicate effectively even when English is not their first language.

In the language of the Act in Section (C)(2) each institution was required to submit as part of its compliance plan an assurance that an adequate procedure exists for students to report grievances concerning the inability of instructors to be understood in their spoken or written English. In Section (D)(2), the Act further requires that each institution must report annually the number of grievances filed by students under the provisions of (C)(2) and the disposition of those grievances.

On November 3, 1994, the Commission on Higher Education required that each institution of public higher education in South Carolina publish a clear, complete summary of the institution's policy on English Fluency in Higher Education *either* in both the catalog and student handbook *or* in the Academic

Section and the Student Affairs Section (for institutions with a unified publication) of the unified publication on campus policies.

At its meeting on November 2, 1995, the Commission further required that all institutions must demonstrate for the current reporting year (i.e., in this case, the period beginning July 1, 2001, and ending with the conclusion of the Spring Semester 2002) that they are fully in compliance with the requirements regarding publication of the law's provisions in the Catalog and Student Handbook.

### **Discussion**

All institutions of public higher education had issued their reports to the Commission on Higher Education by July 15, 2002, for the recently completed academic year of 2001-2002. The data submitted in those reports show that 32 of the State's 33 public institutions are fully in compliance with the publication of the required student information under the law and Commission policy. For reasons listed on **Attachment 1**, Clemson was in partial compliance with the law.

Since the passage of the English Fluency Act in Higher Education by the General Assembly in 1991, the Commission has issued eleven annual reports (including the current one) to the chairmen of the committees in the House and Senate with jurisdiction in educational matters. In all the previous ten reports a total of six student complaints had been received. In the current year's reports from the institutions no student grievance was reported at any of the thirty-three public institutions.

Given the minimal use of the law by the students, it appears that the public institutions have been highly accountable in the hiring and retention of faculty who are fluent in both written and oral English and who are able, therefore, to communicate well with their students for instructional and advising purposes. Students appear to be highly satisfied in all public institutions with the level of communication they are receiving from instructors whose first language is not English.

From the information supplied by the institutions during this academic year, faculty members whose first language is not English are apparently meeting the expectations of the General Assembly for their ability to communicate effectively with students.

## **Recommendations**

The staff suggests that the Committee on Academic Affairs and Licensing recommend to the Commission:

1. That this report be approved and transmitted to the appropriate committee chairpersons of the General Assembly, and
2. That Clemson University be informed that they must be in compliance with the law and Commission policy by the next reporting period.

The Committee will consider this item at its meeting on September 4 and will make its recommendation to the Commission on September 5.

**Attachment 1**

**List of Institutions in ‘Partial Compliance’ with English Fluency Act in  
Higher Education, 2001-2002 Academic Year as of July 15, 2002,  
Together With Reasons For These Designations**

INSTITUTION	REASON
Clemson University	Partial compliance. Statement in catalogue, but omitted from student handbook. Will be included in student handbook for 2002-2003.